

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., and
INSTITUT STRAUMANN AG,

Defendants.

Civil Action No.: 6:24-cv-00187

JURY TRIAL DEMANDED

PATENT CASE

**DECLARATION OF OMAR KHAN IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

I, Omar Khan, hereby declare:

1. I am an attorney admitted to practice in the State of New York and have filed a motion for admission *pro hac vice* in this action. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale"), counsel for ClearCorrect Operating, LLC, ClearCorrect Holdings, Inc. and making limited and special appearance for Institut Straumann AG (collectively, "Defendants") in the above-captioned action. I provide this declaration in support of Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6).

2. Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge and my review of the documents cited herein. If called to testify as a witness, I could and would competently do so under oath.

3. Attached as **Exhibit 1** is a true and correct copy of a 2019 Settlement Agreement between Align Technology, Inc. and ClearCorrect Operating, LLC, ClearCorrect Holdings, Inc., and Straumann Holding AG.

4. Attached as **Exhibit 2** is a true and correct copy of the Straumann web page cited in the first instance in paragraph 34 of the Complaint. Straumann's web page is also publicly available at the link cited in the Complaint:

<https://www.straumann.com/clearcorrect/en/doctors/clearcorrect-aligners.html>.

5. Attached as **Exhibit 3** is a true and correct copy of the ClearCorrect web page cited in the first instance in paragraph 35 of the Complaint. ClearCorrect's web page is also publicly available at the link cited in the Complaint: <https://support.clearcorrect.com/hc/en-us/articles/4410091639063-ClearCorrect-Aligners>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 20, 2024

/s/ Omar Khan
Omar Khan